UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/777,817 | 02/05/2001 | John Michael Boushy | 19538-05688 | 8587 |

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| EXAMINER |
|---|
| SAGER, MARK ALAN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3714 | |

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11/3/2005, 11/15/05 and 7/10/06.*

2a)☒ This action is **FINAL.**     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/15/05 & 7/10/06.*

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.      Claims 1, 3/1, 4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by

River City riverboat casino in New Orleans, Louisiana having GSI system installed in them.  As

best understood, the invention, as presently broadly claimed, fails to preclude anticipation by the

River City riverboat casino system with dockside facility having GSI system installed in them.  It

is further noted that the River City riverboat casinos with dockside facility were operational

March 30, 1995 as reported in Money (3$^{rd}$ edition) by Times-Picayune Publishing Company

(HARS 056215).  Cumulative references (GC 3871-4475, GC 4484-4542, HARS 056215 and

SC27890, as further supported by deposition by Alistair Crighton) describe a GSI system

installed in River City riverboat casinos with on-shore facility, computer implemented method

and method for tracking patronage of customers or tracking customer activity at a plurality of

casino properties using customer accounts and customer identifications comprising all claimed

steps/features, as broadly claimed including a local computer at each casino property storing a

portion (which fails to preclude all) of the plurality of customers including betting activity of the

customer collected automatically at any of the plurality of casino properties being the computer

database/server on each of the riverboat casinos (GC 3876-3889, HARS 056215, SC27890 and

Crighton deposition), a communications network communicatively coupling the local computer

systems on each riverboat casino to on-shore facility (GC 3876-3889, SC27890), at least one

input device at each casino property and coupled to the local computer system for transmitting

activity data received at the input device including customer ID and any automatically obtained

customer betting activity to the local computer system such as tracking all players activity at any

of the slots or table games on each of the riverboat casinos (GC 3876-3889, SC27890), a

management system coupled to each of the local computer systems for receiving the customer

activity data from the coupled input devices, the management system being further coupled to a

distributed database for selectively retrieving customer account data from the distributed

database associated with the customer ID, and selectively updating the retrieved customer

account data with the received customer activity data from the coupled input device such as

dockside facility receiving, updating and storing player data from docked riverboat casino and

transmitting updated player data to second database on second riverboat casino about to depart

(GC 3876-3889, SC27890), and a distributed database comprising a plurality of customer

accounts for the customers, each customer account having an associated customer ID, and

customer activity data including accumulated point balance such as player database on dockside

facility or each riverboat casino (GC 3876-3889, SC27890), and a database management

program for receiving customer activity from each casino property and updating the customer

accounts of the distributed database, including the accumulated point balance depart of each

customer account, to reflect customer activity data at the plurality of casino properties, and

providing selected customer activity data to a local computer system at a casino property through

the management system coupled to the local computer system (GC 3876-3889, SC27890) further

comprising storing at each of the plurality of casino properties a database of customer accounts,

each customer account associated with a customer, each of the database communicatively

coupled to a computer network such as each riverboat casino communicatively coupled to

dockside facility and each of the three databases containing player account associated with a

customer, each of the databases communicatively coupled to a computer network (sic), at each

casino property automatically collecting customer betting activity from customer gaming activity

at gaming machines and storing the collected betting activity in the database at the casino

property such as collecting data from slot or table play in a first riverboat casino and storing in

each riverboat casino local computer database (supra), receiving via the network at the first

database of a first one of the casino properties, customer betting activity from a second casino

property, and updating the customer's account in the first database based on the received

customer betting activity data such as transferring data from first riverboat casino upon docking

to dockside facility and after updating play data of associated customers in database, transferring

the updated customer data to second riverboat casino before it departs thereby updating customer

accounts in database of second casino based on the received updated customer data (sic).

### *Claim Rejections - 35 USC § 103*

3.      Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GSI System in

view of background summary of prior art and Remedio.  As best understood, the cumulative

references (GC 3871-4475, GC 4484-4542, and SC27890, as further supported by deposition by

Alistair Crighton) describe a GSI system, computer implemented method and method for

tracking patronage of customers or tracking customer activity at a plurality of casino properties

using customer accounts and customer identifications comprising all claimed steps/features, as

broadly claimed (supra) including storing a portion of the customer accounts in each of a

plurality of databases, each database associated with one of the casino properties and

communicatively coupled to the network at the casino property, receiving at a first database of a

first casino property a customer's betting activity from a customer account stored in the first

database except a request from a second database as a second casino property for a customer's

betting activity from a customer account stored in the first database since GSI system transfers

any requested betting activity from first database of a first casino to another database of another

casino property. In the case of the River City implementation of the GSI system (GC 3876-3893,

GC3892-4475, 4479-4542, SC27890, as further supported by deposition by Alistair Crighton),

upon a riverboat casino docking, all betting activity that occurred while on river was transmitted

to the dockside database to update its database records of customer accounts based on betting

activity of customers and then uploaded from dockside database to second casino property

onboard a second riverboat casino prior to its departure. However, the River City casino system

implementation of GSI system lacks receiving at a first database of a first casino property a

request from a second database at a second casino property for customer's betting activity from a

customer account in the first database (clm 2) and similarly in response to an input of a customer

ID to a computer system at a first casino property, retrieving from the local database of a second

casino property, first customer betting activity from the customer account associated with the

input customer ID (claim 5) where input of a customer ID to a computer system is in conjunction

with a receiving at a first database of a first property a request from another database of another

property for player play data like in claim 2 above. As stated above, the GSI system including

implementation of the River City riverboat casino discloses or teaches all features/steps

including transmitting the customer's betting activity from the first database of a first property to

the second database of a second property and receiving at a second database customer's betting

activity from a customer account in the first database at a first casino property where the

customer's betting activity is collected automatically from customer gaming activity at gaming

machines and only lacks receiving at a first database of a first casino property a request from a

second database for customer's play data from a customer account in the first database where the

play data in this instance is betting activity and similarly in response to an input of a customer ID

to a computer system at a first casino property, retrieving from the local database of a second

casino property, first customer betting activity from the customer account associated with the

input customer ID where input of a customer ID is in conjunction of receiving at a first database

of a first property a request from a second database of a second property like claim 2. Further,

most casino properties including affiliated casino properties do not operate in the repetitive

open/close of River City riverboat casinos which is due in response to local gambling laws that

only while on the River away from the dock may the casinos conduct legal gambling; while,

more traditional casino properties operate 24/7 or nearly 24/7 and do not operate with local laws

that cause the repetitive open/close situation of the River City casinos; whereas, the GSI system

is coded/programmed to permit multiple property database access and reconciliation that can be

tailored for use in consideration of local laws or casino management considerations (GC 3871-

4475, especially GC 3876-3893, GC4479-81, GC4484-4542, HARS 056215 and SC27890).

The background summary (last 2 paragraphs page 1 and top paragraphs of page 2,

Background art) of prior art player tracking systems admits casinos being historically segmented

with respect to compiled player tracking data despite some casino properties being affiliated (top

of page 2). Distributed computer networks for sharing user data between remote databases is

well known in networking or computing arts, and further is known in gaming networks in

particular. Remedio discloses a game network that is a distributed computer network for sharing

player performance data between remote clubs (1:64-2:25, 67-68; 5:37-6:11; 8:64-10:35, figs. 1-

17b). It is noted that any given time in Remedio's network the respective player databases

contain a portion of the performance data since data is not transmitted instantaneously as it is

generated; further, 'comprising' a 'portion' fails to preclude the entirety (sic). Essentially, prior

to Remedio, players using remote [from home club] club received greens slip after playing at a

remote club which the player would bring to club ranger for input into home club player database

in order to maintain a current record of player play data. However, under this system (i.e. prior

to Remedio), play slips may be lost enroute to updating home club database and thus their play

data was not current due to not reflecting the lost greens slip play data and this discouraged

remote play with affiliated or other clubs in the system. Remedio is relevant prior art at least due

to being within the field of applicants endeavor of games and more specifically distributed

network of stored customer play data, but further is reasonably pertinent to the particular

problem with which the applicant was concerned of receiving at a first database a request from a

second database at a second property for a customer's/player's play data in a from that

customer's or player's account stored in the first database. With the advent of Remedio, a

players play data was shared between remote clubs through a central computer upon request

from another database to preclude players losing their greens slip thereby improving accuracy of

player play data and the distributed system increases patronage of affiliated or connected clubs

thereby since the play data is maintained without concern for losing play data and due to

increased variety of clubs from which to play (i.e. customers prefer variety). Thus, for reasons

parallel to Remedio's inclusion of a connected network, it would have been obvious to an artisan

at the time the invention was made to add a connected network of a plurality of clubs each

having a player database for play data sharing as by receiving a request from a second database

at a second casino property for a customer's betting activity from a customer account stored in

the first database and in response to an input of a customer ID to a computer system at a first

casino property, retrieving from the local database of a second casino property, first customer

betting activity from the customer account associated with the input customer ID as

taught/suggested by Remedio and background art to GSI's system, computer implemented

method or method in order to improve accuracy of player play data and to increase the variety of

clubs from which a player may play which increases patronage at affiliated or connected clubs.

### *Response to Arguments*

4.      Applicant's arguments with respect to claims 1-8 have been considered but are moot in

view of the new ground(s) of rejection. As a result of amendment canceling indefinite and non-

enabled language, consideration of the relevancy of prior art herein is provided that was

precluded due to inability to ascertain scope of theoretical win profile.

### *Conclusion*

5.      The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6.      Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

7.      Any inquiry concerning this communication or earlier communications from the
examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The
examiner can normally be reached on T-F, 0700-1730 hours.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Robert Olszewski can be reached on 571-272-4437. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
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like assistance from a USPTO Customer Service Representative or access to the automated
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. A. Sager
Primary Examiner
Art Unit 3712

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